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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,710	04/11/2000	Sam Johnson	9727.99239(12GO01.CIP)	4653

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/547,710

Applicant(s)

JOHNSON ET AL.

Examiner

William C. Vaughn, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-98 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

WCV

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-41, drawn to advertising database for storing advertisement for storing advertisement segments wherein a mobile-content server is further operative to deliver selected advertisement segments to a playback device, classified in class 709, subclass 217, 231.
  - II. Claims 42-57, drawn to audio interface and a response generator interface, both coupled to a processing unit, classified in class 709, subclass 203.
  - III. Claims 58-98, drawn to a flash card interface, a wired interface, USB interface, and a processing unit operative to provide the response signal to the information content sources, and to provide at least one selection menu being an audio menu utilizing at least one selection menu to the audio interface and a display device, with at least one displayable menu, classified in class 345, subclasses 716, 810.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a mobile-content server comprising an advertisement database for storing advertisement segments and a mobile-content server operative to deliver selected advertisement segments to a playback device via the playback device interface and the selected advertisement segments being selected from the advertising database, but lacks an audio interface generator and a response generator interface,

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being coupled to a processing unit, and the processing unit being operative to provide response information by detecting a signal on the response generator interface and the response generator interface is a user actuated key, a user actuated programmable key, and a voice activated receiver. Invention I, further lacks a flash card interface, a wired interface, USB interface, and a processing unit operative to provide the response signal to the information content sources, and to provide at least one selection menu being an audio menu utilizing at least one selection menu to the audio interface and a display device, with at least one displayable menu. Invention II, has separate utility such as an audio interface generator and a response generator interface, being coupled to a processing unit, and the processing unit being operative to provide response information by detecting a signal on the response generator interface and the response generator interface is a user actuated key, a user actuated programmable key, and a voice activated receiver, but lacks a mobile-content server comprising an advertisement database for storing advertisement segments and a mobile-content server operative to deliver selected advertisement segments to a playback device via the playback device interface and the selected advertisement segments being selected from the advertising database as well as a flash card interface, a wired interface, USB interface, and a processing unit operative to provide the response signal to the information content sources, and to provide at least one selection menu being an audio menu utilizing at least one selection menu to the audio interface and a display device, with at least one displayable menu. Invention III has separate utility such as a flash card interface, a wired interface, USB interface, and a processing unit operative to provide the response signal to the information content sources, and to provide at least one selection menu being an audio menu utilizing at least one selection menu to the audio interface and a display device, with at least one

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displayable menu, but lacks an audio interface generator and a response generator interface, being coupled to a processing unit, and the processing unit being operative to provide response information by detecting a signal on the response generator interface and the response generator interface is a user actuated key, a user actuated programmable key, and a voice activated receiver as well as a mobile-content server comprising an advertisement database for storing advertisement segments and a mobile-content server operative to deliver selected advertisement segments to a playback device via the playback device interface and the selected advertisement segments being selected from the advertising database. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for Groups I-III are not required for the other Groups, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. A telephone call was made to Gregory S. Smith, Reg. No. 40,819 on 07 August 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

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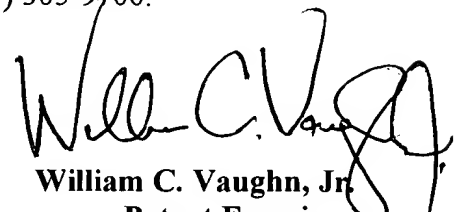
Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

  
William C. Vaughn, Jr.  
Patent Examiner  
Art Unit 2143  
August 10, 2003